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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,350	02/12/2004	Winfried Faust	077680-0120	1728

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EXAMINER

GILMAN, ALEXANDER

ART UNIT PAPER NUMBER

2833

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/776,350	FAUST ET AL.	
	Examiner	Art Unit	
	Alexander D Gilman	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites "the fastening portions comprise housing portions that are diametrically opposite one another". It is unclear why the fastening portions include the housing portions, while the fastening portions according to specification should be elements of the housing components.

It was assumed for purpose of examination, that the housing portions include the fastening portions.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-9, 11, 13, 14, 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Henrici et al.

With regard to claim 1, Henrici et al (US 6,692,308) disclose a socket for an electrically operated device, comprising:

a housing, including at least a first housing part (12) and a second housing part (11), which together enclose an interior;

at least one contact (C, Fig. 5) disposed in said interior; and

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at least one clamping spring (16) having a first portion (23) for snap-in fastening of the electrically operated device and a second portion (15, 26) that clamps and retains together the first and second housing parts.

With regard to claim 2, Henrici et al disclose that the first housing part (12) comprises a base part with a base plate portion, the base plate portion housing having fastening portions for fastening the base part to a support element (inherently the lampholder should be attached to a support element).

With regard to claim 4, Henrici et al disclose that the two housing parts (11, 12) together define a parting seam, which is disposed essentially parallel to the base plate portion.

With regard to claim 5, Henrici et al disclose that the second housing part, on a side remote from the first housing part, has a recess (13) for receiving at least one portion of the electrically operated device.

With regard to claim 6, Henrici et al disclose that the first portion (23) of the clamping spring protrudes into the recess

With regard to claims 7, 8 Henrici et al disclose that the socket has two clamping springs (Fig. 4). identical to one another.

With regard to claim 9, Henrici et al disclose that the clamping springs 923, 23) are disposed opposite one another.

With regard to claim 11, Henrici et al disclose that the second portion, of the clamping spring has a first leg (26) that snaps together with the first housing part.

With regard to claim 13, Henrici et al disclose that the first leg (26) is disposed in a rectilinear extension of the first portion of the retaining spring.

With regard to claim 14, Henrici et al disclose that the first housing part has a well (28), into which the first leg extends.

With regard to claims 19, 20, Henrici et al disclose that the two legs (15, 26) together form an essentially right angle.

With regard to claim 21, Henrici et al disclose that the second leg (15) is resiliently pre-stressed against the fastening portion (27) of the second housing part (the fastening portion is not claimed in claim 1).

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With regard to claim 22, Henrici et al disclose that said electrically operated device is a lamp (13)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrici et al in view of Morgan et al.

With regard to claim 3, Henrici et al disclose all of the limitations except for explicit teaching the housing portions comprising fastening portions that are diametrically opposite one another and include fastening openings.

Morgan et al (US 5,989,067) disclose the housing portions comprising fastening portions that are diametrically opposite one another and include fastening openings (24, 41).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the housing portions with a supporting element, as taught by Morgan et al, to dependably attach the portions of the housing and a support element.

With regard to claim 10, Henrici et al when modified by Morgan et al disclose (Morgan et al) that the second housing (10) part has fastening portions (the plate of 10 with holes 24), which rest on the fastening portions of the first housing part.

With regard to claim 12, Henrici et al when modified by Morgan et al disclose the second portion of the clamping spring has a second leg, which rests on one of the fastening portions of the second housing part.

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Allowable Subject Matter

Claims 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior art has been found to anticipate or render obvious the presently claimed subject matter.

Specifically, none of the prior art of record discloses the combination of the limitations presented including the first leg having a snap-in recess (claim 15)

the the snap-in lug being disposed in the well (claims 16, 17)

the second leg having the fastening opening, which matches a fastening opening embodied in the housing parts (claim 18).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

01/14/2005

Alex Gilman
ALEXANDER GILMAN
PRIMARY EXAMINER